

1 **TIFFANY & BOSCO**
2 **2525 EAST CAMELBACK ROAD**
3 **SUITE 300**
4 **PHOENIX, ARIZONA 85016**
5 **TELEPHONE: (602) 255-6000**
6 **FACSIMILE: (602) 255-0192**

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Mark S. Bosco
State Bar No. 010167
Leonard J. McDonald
State Bar No. 014228
Attorneys for Movant
09-29027 / 1127017036

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA

IN RE:
Efren Jon C. Martin, Jr. and Mary Catherine Martin
Debtors.

No. 2:09-bk-29049-RTB

Chapter 7

NOTICE OF LODGING ORDER

Deutsche Bank National Trust Company, as Trustee of Morgan Stanley Mortgage Loan Trust 2005-5AR, its agent, by and through its undersigned attorneys, hereby gives notice of the Lodging an Order for Relief, a copy of which is attached hereto as Exhibit "A".

DATED this 13th day of January, 2010.

Respectfully submitted,

TIFFANY & BOSCO, P.A.

BY /s/ MSB # 010167

Mark S. Bosco
Leonard J. McDonald
Attorneys for Movant

1 Copy of the foregoing was
2 mailed this 13th day of January, 2010

3 Efren Jon C. Martin, Jr. and Mary Catherine Martin
4 2515 E. Casitas Del Rio Dr.
5 Phoenix, AZ 85024
6 Debtors

7 Randy Nussbaum
8 14500 N. Northsight Blvd.
9 #116
10 Scottsdale, AZ 85260
11 Attorney for Debtors

12 Jill H. Ford
13 P.O. Box 5845
14 Carefree, AZ 85377
15 Trustee

16 U.S. Trustee
17 230 North 1st Avenue, Suite 204
18 Phoenix, AZ 85003-1706

19 By: McKinley Sedig

20
21
22
23
24
25
26

1 **T I F F A N Y & B O S C O**
2 P.A.

3 **2525 EAST CAMELBACK ROAD**

4 **SUITE 300**

5 **PHOENIX, ARIZONA 85016**

6 **TELEPHONE: (602) 255-6000**

7 **FACSIMILE: (602) 255-0192**

8 Mark S. Bosco

9 State Bar No. 010167

10 Leonard J. McDonald

11 State Bar No. 014228

12 Attorneys for Movant

13 09-29027/1127017036

14 **IN THE UNITED STATES BANKRUPTCY COURT**

15 **FOR THE DISTRICT OF ARIZONA**

16 **IN RE:**

17 No. 2:09-bk-29049-RTB

18 Efren Jon C. Martin, Jr. and Mary Catherine Martin
19 Debtors.

20 Chapter 7

21 Deutsche Bank National Trust Company, as Trustee
22 of Morgan Stanley Mortgage Loan Trust 2005-5AR
23 Movant,

24 (Related to Docket #14)

25 **vs.**

26 Efren Jon C. Martin, Jr. and Mary Catherine Martin,
27 Debtors, Jill H. Ford, Trustee.

28 **Respondents.**

29 **ORDER**

30 Movant's Motion for Relief from the Automatic Stay and Notice along with the form of proposed
31 Order Lifting Stay, having been duly served upon Respondents, Respondents' counsel and Trustee, if any,
32 and no objection having been received, and good cause appearing therefor,

33 ...

34 ...

35 ...

36 ...

1 IT IS HEREBY ORDERED that all stays and injunctions, including the automatic stays imposed
2 by U.S. Bankruptcy Code 362(a) are hereby vacated as to Movant with respect to that certain real
3

4 **EXHIBIT "A"**

5 property which is the subject of a Deed of Trust dated March 23, 2005 and recorded in the office of the
6 Maricopa County Recorder wherein Deutsche Bank National Trust Company, as Trustee of Morgan
7 Stanley Mortgage Loan Trust 2005-5AR is the current beneficiary and Efren Jon C. Martin, Jr. and Mary
8 Catherine Martin have an interest in, further described as:

9

10 Lot 460, VALLEY VISTA UNIT FOUR B, according to Book 118 of Maps, Page 4, records of
11 Maricopa County, Arizona.

12 IT IS FURTHER ORDERED that Movant may contact the Debtor(s) by telephone or written
13 correspondence regarding a potential Forbearance Agreement, Loan Modification, Refinance
14 Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement
15 with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against
16 Debtors if Debtors' personal liability is discharged in this bankruptcy case.

17

18 IT IS FURTHER ORDERED that this Order shall remain in effect in any bankruptcy chapter to
19 which the Debtor may convert.

20

21

22 DATED this ____ day of _____, 2009

23

24

25

26

JUDGE OF THE U.S. BANKRUPTCY COURT